

### **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. A number of the claims, including independent claims 1, 13, 25, 46 and 54, are amended hereby. The claims have been amended merely to expedite the prosecution of the instant Application. Therefore, the claim amendments should not be considered as being made for reasons related to patentability. Claims 12, 35 and 39-45 are canceled hereby without prejudice or disclaimer.

#### **Claim Objections**

Claim 37 stands objected to by the Office. Applicant has hereby rectified a minor informality in the claim. Accordingly, Applicant respectfully submits that the claim objection is now moot.

#### **Rejections Under 35 U.S.C. § 103**

Claims 1, 3-20, 22, 24-25, 27-39, 41-46, 48-50 and 53-56 stand rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 6,594,635 to Erlanger et al. (hereinafter "Erlanger"), U.S. Patent No. 7,062,460 to Growney et al. (hereinafter "Growney") and U.S. Patent No. 6,609,112 to Boarman et al. (hereinafter "Boarman"). Additionally, Claims 2, 21, 23, 26, 40, 47, 51 and 52 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Erlanger, Growney, and Boarman, and further in view of U.S. Patent No. 7,080,020 to Klaus. (hereinafter "Klaus"). These rejection are respectfully traversed.

At the outset, Applicant respectfully submits that the rejections of those claims canceled hereby are moot. Accordingly, the Applicant requests the Office to reconsider and withdraw those claim rejections.

**Amended claim 1** of the present Application recites:

A method of selling reinsurance, comprising the steps of:  
identifying a reinsurance product;  
determining a capacity of the reinsurance product to be sold;  
offering the reinsurance product for sale through an auction;  
accepting bids for at least a portion of the capacity, wherein  
the step of accepting bids comprises  
    providing a status for the bids, the status comprising  
    one of OK, Partial OK, and Excluded;  
    *ranking the bids, wherein the ranking of the bids at  
    least considers a calculated profitability value and a time  
    stamp associated with each of the bids;* and  
    consummating a contract for the sale of at least a portion of  
the reinsurance product to holders of winning bids, wherein a status  
of OK denotes acceptance of a bid, a status of Partial OK denotes  
only a portion of requested capacity will be filled, and a status of  
Excluded denotes that a bid has not been accepted. (Emphasis  
added.)

The combination of relied upon citations does not render obvious "*ranking the bids, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids.*" (Emphasis added.) To summarize, the combination relied upon by the Office, and in particular the cited document Erlanger, does not suggest the ranking of bids through the use of at least "a calculated profitability value." The Office basically admits this shortcoming on page 7 of the current Office action. (*See Point 10; second paragraph.*) In particular, the Office states that Erlanger is interpreted as using a "profitability value" as a criteria for evaluating a bid, but does not provide

reasoning as to why this conclusion was reached. For at least the foregoing reasons, the rejection of claim 1 should be reconsidered and withdrawn.

More specifically, the combination suggests a data processing system that is capable of receiving bids to buy reinsurance from a plurality of reinsurers. (*See Erlanger, column 19, lines 58-64.*) The system may compare each bid to buy reinsurance to each offer to sell to identify, if possible, a match between the reinsurer and a reinsuree. (*See Erlanger, column 20, lines 55-59.*) However, contrary to the Office's position, the combination does not suggest "ranking the bids, wherein the *ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids,*" as is recited in claim 1.

Because Erlanger, Growney, and Boarman do not disclose the above elements, the combination cannot be said to suggest the recitation of the above claim. Therefore, Applicant respectfully requests that the §103(a) rejection be withdrawn.

**Dependent claims 2-11** depend from claim 1 and the rejection with regard to these claims should be withdrawn by virtue of the dependency. Moreover, these claims recite features that, when taken together with those of claim 1, are not rendered obvious by Erlanger, Growney, and Boarman.

**Amended claim 13** of the present Application recites:

A method of offering a reinsurance product, comprising the steps of:

offering a predetermined capacity in the reinsurance product over an electronic network;

receiving, from a bidder, at least one bid for at least a portion of the capacity;

determining whether *a calculated profitability value* of the at least one bid is acceptable; and

*indicating to the bidder whether the at least one bid is accepted based at least on the calculated profitability value*, wherein the step of indicating to the bidder whether the at least one bid is accepted comprises providing a status for the at least one bid, the status comprising one of OK, Partial OK, and Excluded, wherein a status of OK denotes acceptance of a bid, a status of Partial OK denotes only a portion of requested capacity will be filled, and a status of Excluded denotes that a bid has not been accepted. (Emphasis added.)

The combination of relied upon citations does not render obvious "determining whether *a calculated profitability value* of the at least one bid is acceptable; and *indicating to the bidder whether the at least one bid is accepted based at least on the calculated profitability value*." (Emphasis added.) To summarize, the combination relied upon by the Office, and in particular the cited document Erlanger, does not suggest determining "a calculated profitability value," and using the value to indicate "to the bidder whether the at least one bid is accepted." The Office basically admits this shortcoming on page 9 of the current Office action. (*See second paragraph, page 9.*) In particular, the Office states that Erlanger is interpreted as using a "profitability value" as a criteria for evaluating a bid, but does not provide reasoning as to why this conclusion was reached. For at least the foregoing reasons, the rejection of claim 13 should be reconsidered and withdrawn. Additional discussion of the combination is given above and provides

further reasoning as to why the limitations of claim 13 are not suggested by the relied upon combination.

Because Erlanger, Growney, and Boarman do not disclose the above elements, the combination cannot be said to suggest the recitation of the above claim. Therefore, Applicant respectfully requests that the §103(a) rejection be withdrawn.

**Dependent claims 14-18 and 20-24** depend from claim 13 and the rejection with regard to these claims should be withdrawn by virtue of the dependency. Moreover, these claims recite features that, when taken together with those of claim 13, are not rendered obvious by Erlanger, Growney, and Boarman.

**Amended claim 25** of the present Application recites:

A method of selling reinsurance, comprising the steps of:  
identifying a reinsurance product and a capacity of the reinsurance product to be sold;  
calculating a fair risk price for the reinsurance product;  
offering the reinsurance product to buyers via an electronic auction, wherein a minimum bid in the electronic auction is determined, at least in part, by the fair risk price;  
receiving bids from the buyers for portions of the capacity of the reinsurance product;  
*ranking the bids, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids;*  
notifying the buyers of a status of their respective bids; and  
ending the electronic auction after a predetermined period of time, wherein the status comprises one of OK, Partial OK, and Excluded, wherein a status of OK denotes acceptance of a bid, a status of Partial OK denotes only a portion of requested capacity will be filled, and a status of Excluded denotes that a bid has not been accepted. (Emphasis added.)

The combination of relied upon citations does not render obvious "*ranking the bids, wherein the ranking of the bids at least considers a calculated*

*profitability value and a time stamp associated with each of the bids."* (Emphasis added.) To summarize, the combination relied upon by the Office, and in particular the cited document Erlanger, does not suggest the ranking of bids through the use of at least "a calculated profitability value." The Office basically admits this shortcoming on page 17 of the current Office action. (*See Point 31; second paragraph.*) In particular, the Office states that Erlanger is interpreted as using a "profitability value" as a criteria for evaluating a bid, but does not provide reasoning as to why this conclusion was reached. For at least the foregoing reasons, the rejection of claim 25 should be reconsidered and withdrawn. Addition discussion of the combination is given above and provides further reasoning as to why the limitations of claim 25 are not suggested by the relied upon combination.

Because Erlanger, Growney, and Boarman do not disclose the above elements, the combination cannot be said to suggest the recitation of the above claim. Therefore, Applicant respectfully requests that the §103(a) rejection be withdrawn.

**Dependent claims 26-34 and 37-38** depend from claim 25 and the rejection with regard to these claims should be withdrawn by virtue of the dependency. Moreover, these claims recite features that, when taken together with those of claim 25, are not rendered obvious by Erlanger, Growney, and Boarman.

**Amended claim 46** of the present Application recites:

A system for selling a reinsurance product, comprising:  
a fair risk price calculator;  
an auction and auction participant database;  
an auction ranking element engine; and  
a web server in communication with the Internet, wherein the fair risk price calculator provides information for calculating a minimum bid, the database stores information related to at least one auction for at least one reinsurance product, and the auction ranking element engine is operable to rank bids submitted to the database via the web server, *wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids*, wherein the auction ranking element engine provides a status of a bid, and wherein a status of OK denotes acceptance of a bid, a status of Partial OK denotes only a portion of requested capacity will be filed, and a status of Excluded denotes that a bid has not been accepted. (Emphasis added.)

The combination of relied upon citations does not render obvious "*wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids.*" (Emphasis added.) To summarize, the combination relied upon by the Office, and in particular the cited document Erlanger, does not suggest the ranking of bids through the use of at least "a calculated profitability value." The Office basically admits this shortcoming on page 24 of the current Office action. (*See Point 42; second paragraph.*) In particular, the Office states that Erlanger is interpreted as using a "profitability value" as a criteria for evaluating a bid, but does not provide reasoning as to why this conclusion was reached. For at least the foregoing reasons, the rejection of claim 46 should be reconsidered and withdrawn. Additional discussion of the combination is given above and provides further reasoning as to why the limitations of claim 46 are not suggested by the relied upon combination.

Because Erlanger, Growney, and Boarman do not disclose the above elements, the combination cannot be said to suggest the recitation of the above claim. Therefore, Applicant respectfully requests that the §103(a) rejection be withdrawn.

**Dependent claims 47-53** depend from claim 46 and the rejection with regard to these claims should be withdrawn by virtue of the dependency. Moreover, these claims recite features that, when taken together with those of claim 46, are not rendered obvious by Erlanger, Growney, and Boarman.

**Amended claim 54** of the present Application recites:

A method of selling a product, comprising the steps of:

- (a) identifying the product;
- (b) determining a capacity of the product to be sold;
- (c) offering the product for sale through auction;
- (d) accepting bids for at least a portion of the capacity, wherein the step of accepting bids comprises providing a status for the bids, the status comprising one of OK, Partial OK, and Excluded;
- (e) *ranking the bids, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids;* and
- (d) consummating a contract for the sale of at least a portion of the product to holders of winning bids, wherein a status OK denotes acceptance of a bid, a status of Partial OK denotes only a portion of requested capacity will be filled, and a status of Excluded denotes that a bid has not been accepted. (Emphasis added.)

The combination of relied upon citations does not render obvious "*ranking the bids, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids.*" (Emphasis added.) To summarize, the combination relied upon by the Office, and in particular the cited document Erlanger, does not suggest the ranking of bids through the use of at least "a calculated profitability value." As discussed herein,



the Office basically admits this shortcoming on several pages of the current Office action. In particular, the Office states that Erlanger is interpreted as using a "profitability value" as a criteria for evaluating a bid, but does not provide reasoning as to why this conclusion was reached. For at least the foregoing reasons, the rejection of claim 54 should be reconsidered and withdrawn. Addition discussion of the combination is given above and provides further reasoning as to why the limitations of claim 54 are not suggested by the relied upon combination.

Because Erlanger, Growney, and Boarman do not disclose the above elements, the combination cannot be said to suggest the recitation of the above claim. Therefore, Applicant respectfully requests that the §103(a) rejection be withdrawn.

**Dependent claims 55-56** depend from claim 54 and the rejection with regard to these claims should be withdrawn by virtue of the dependency. Moreover, these claims recite features that, when taken together with those of claim 54, are not rendered obvious by Erlanger, Growney, and Boarman.

Regarding the rejection of **claims 2, 21, 23, 26, 40, 47, 51 and 52**, each of the rejected dependent claims ultimately depends from one of the independent claims. The rejections with regard to these claims should be withdrawn by virtue of the dependency. Moreover, these claims recite features that, when taken together with those of the independent claims, are not suggested by the relied upon combinations. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a).

Conclusion

In accordance with the foregoing remarks, Applicant believes that the pending claims are allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney at the provided email address.

Respectfully Submitted,

Lee & Hayes, PLLC

Dated: February 21, 2008

By: /Tim R. Wyckoff/  
Tim R. Wyckoff  
Reg. No. 46,175  
Email: wyclaw@mac.com